

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

VIRTUAL STUDIOS, INC.

Plaintiff,

v.

BEAULIEU GROUP, LLC,

Defendant.

Civ. No. 1:11-cv-359
CLC/Lee

**JOINT MOTION TO AMEND SCHEDULING
ORDER AND BRIEF IN SUPPORT THEREOF**

Plaintiff Virtual Studios, Inc. (“Virtual”) and Defendant Beaulieu Group, LLC (“Beaulieu”) (collectively, the “Parties”), jointly and through their undersigned counsel, respectfully request that the Court amend the scheduling order previously entered in this proceeding. The Parties state for their Joint Motion to Amend Scheduling Order as follows:

1. Pursuant to Fed. R. Civ. P. 16(b), the Court entered its Scheduling Order on March 26, 2012 (Docket No. 13).
2. Subsequently, the Parties have diligently engaged in discovery. For example, to date, several depositions have taken place, including those of

Plaintiff's witnesses Tom Sucher, Heather Clay, and Phil Farmer, and Defendant's witnesses Bruce Nelson, Wendy Jaynes, and Mike McAllister. Furthermore, the Parties have exchanged responses to discovery requests including, e.g., interrogatories and requests for production, and have produced documents.

3. However, due to schedule limitations attributable to, for example, work and travel schedules of witnesses and counsel, the Parties have encountered some difficulty in scheduling remaining depositions.

4. On December 10, 2012, the Parties conferred and agreed to the following adjustments to the schedule currently in place:

- a) to extend fact discovery until February 1, 2013;
- b) to extend Plaintiff's expert report deadline until February 11, 2013;
- c) to extend Defendant's rebuttal expert report deadline until March 11, 2013.

5. It should be noted that the parties have endeavored to move forward with discovery as quickly as possible. Additionally, the requested scheduling amendment will not affect the Court's schedule with respect to dispositive motions or trial.

6. For all these reasons, counsel jointly request that this Court amend its Scheduling Order to in accordance with those dates agreed upon by the Parties as set forth above in paragraph 4.

WHEREFORE, the Parties, jointly and through their counsel, hereby move this Court for entry of the proposed amendment to the scheduling order, as set forth above, and for all other appropriate relief.

Respectfully submitted,

Dated: December 12, 2012

**PATRICK, BEARD, SCHULMAN &
JACOWAY, PC**

/s/ Michael A. Anderson

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Attorney for Defendant Beaulieu Group, LLC

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2012, I electronically filed the foregoing **Joint Motion to Amend Scheduling Order and Brief in Support Thereof, and Proposed Order**, with the Clerk of the Court using the CM/ECF system.

/s/ Ann G. Fort

Ann G. Fort